

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOAQUIN D. VARGAS,)
)
)
Plaintiff)
)
v.) Case No. CIV-13-159-F
)
JUSTIN JONES, Director DOC;)
JAMES RUDEK, Warden; H.A.)
RIOS, JR., Warden; MS. DANLEY,)
Health Services Administrator,)
)
Defendants.)

ORDER

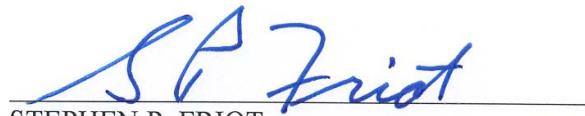
United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation on September 24, 2013, recommending plaintiff's complaint be dismissed without prejudice based upon plaintiff's failure to serve defendants within the time prescribed by Rule 4(m), Fed.R.Civ.P. In the Report and Recommendation, Magistrate Judge Mitchell advised plaintiff of his right to file an objection by October 14, 2013 and that failure to make a timely objection waives the right to appellate review of the factual and legal issues therein contained.

To date, plaintiff has not filed any objection to the Report and Recommendation. With no objection being filed, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Suzanne Mitchell on September 24, 2013 (doc. no. 21) is

ACCEPTED, ADOPTED and AFFIRMED. Plaintiff's complaint is **DISMISSED**
WITHOUT PREJUDICE.

DATED October 31, 2013.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

13-0159p001.wpd